

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
THE ESTATE OF HARRY CROSSLEY,)	
RUTH CROSSLEY,)	
)	
Defendants.)	
)	

COMPLAINT

The United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), alleges as follows:

NATURE OF ACTION

1. This is a civil action brought pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") 42 U.S.C. § 9607, seeking reimbursement of response costs incurred and to be incurred by the United States in response to the release or threat of release of hazardous substances at the Crossley Farms Superfund Site ("Site"), in Berks County, Pennsylvania.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §§ 9607 and 9613(b).

3. Venue is proper in this judicial district pursuant to 42 U.S.C. §§ 9607(a) and 9613(b), because the claims stated herein arose in this judicial district.

DEFENDANTS

4. The Estate of Harry Crossley (“The Estate”) is a decedent’s estate, with assets in the Commonwealth of Pennsylvania, within this Judicial District.

5. Ruth Crossley is a natural person, residing in the Commonwealth of Pennsylvania, within this Judicial District.

GENERAL ALLEGATIONS

6. The Site, also known as the Hereford Ground Water Site, is an approximately 209-acre property located in a rural area approximately 7 miles southwest of Allentown, in the Huffs Church community of Hereford Township, Berks County, Pennsylvania.

7. The Site includes a dairy farm, a field utilized for growing corn and alfalfa, an abandoned quarry, a borrow pit area, and other small excavations.

8. Commencing in 1947, Harry G. Crossley and his brother John W. Crossley owned the Site individually or jointly, and jointly operated the Site doing business as a general partnership.

9. During the course of Site operations, Harry G. Crossley and/or John W. Crossley knowingly permitted the disposal of waste materials on their property.

10. Following the death of John Crossley in 1983, Harry Crossley entered into an agreement with Ruth Crossley, John Crossley’s widow, granting her a share in the general partnership and the right to continue living on the property.

11. Harry Crossley and Ruth Crossley, by their actions, created a new general partnership for the continued operation of the Site.
12. Harry Crossley died on June 19, 2001. Ruth Crossley was named Executrix for the Estate of Harry Crossley.
13. The Site is currently owned by Defendants Ruth Crossley and the Estate of Harry Crossley.
14. In response to complaints from local residents regarding an unusual odor in their private water supply wells, the Pennsylvania Department of Environmental Resources, now the Pennsylvania Department of Environmental Protection (“PADEP”), initiated a ground water sampling program at the Site in September 1983. The sampling results revealed contamination of the groundwater with trichloroethylene (“TCE”) and tetrachloroethylene (“PCE”).
15. In December 1986, EPA initiated an emergency Removal Action at the Site in which bottled water was provided to residents affected by the Site contamination, and carbon filtration systems were installed at residences where the drinking water wells were most severely impacted by the contamination.
16. Thereafter, EPA continued maintenance of the carbon filtration systems, and continued ground water sampling activities to monitor plume migration.
17. On October 14, 1992, the Site was added to the National Priorities List.
18. On June 30, 1997, EPA issued a Record of Decision for a portion of the Site known as Operable Unit 1. EPA initiated the remedial action for Operable Unit 1 in September 1999.

19. In 1998, EPA conducted a second removal action at the Site to remove buried drums of hazardous substances and contaminated soil. Approximately 1,200 drums and 13,000 cubic yards of contaminated soil were removed from the Site in this action.

FIRST CLAIM FOR RELIEF

20. The foregoing paragraphs are realleged and incorporated herein by reference.

21. Defendants Ruth Crossley and The Estate are "persons" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9602(21).

22. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

23. "Hazardous substances," within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), were disposed of at the Site.

24. There has been a "release or threatened release," as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of hazardous substances into the environment at the Site.

25. The United States has incurred costs authorized by Section 104 of CERCLA, 42 U.S.C. § 9604, as a result of the release or threat of release of hazardous substances from the Site.

26. The United States' actions at the Site were "response" actions as defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

27. The costs incurred by the United States in conducting the response actions were incurred in a manner not inconsistent with the National Contingency Plan, promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605.

28. Defendants are among the classes of persons described in Section 107(a) of CERCLA as liable for all response costs incurred by the United States. Specifically, Ruth Crossley and The Estate are persons who are the current owners of the Site, and the Estate is a person who owned or operated the Site at the time of disposal of hazardous substances at the Site. 42 U.S.C. § 9607(a).

29. Defendants are jointly and severally liable to the United States for the payment of response costs incurred by the United States as a result of the response actions taken at the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests that the Court enter judgment against Defendants as follows:

A. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), ordering Defendants to pay all response costs incurred by the United States in response to the release and threat of release of hazardous substances at the Site;

B. Awarding Plaintiff its costs and disbursements in this action; and

C. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

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